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HOUSE BILL 908

**47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005**

INTRODUCED BY

Candy Spence Ezzell

AN ACT

RELATING TO THE CARRYING OF CONCEALED HANDGUNS; PROVIDING FOR  
RECIPROCITY AGREEMENTS WITH OTHER STATES, UNDER WHICH LICENSES  
ISSUED BY ANOTHER STATE MAY BE RECOGNIZED IN NEW MEXICO.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 29-19-1 NMSA 1978 (being Laws 2003,  
Chapter 255, Section 1) is amended to read:

"29-19-1. SHORT TITLE.--~~[This act]~~ Chapter 29, Article 19  
NMSA 1978 may be cited as the "Concealed Handgun Carry Act"."

Section 2. A new section of the Concealed Handgun Carry  
Act, Section 29-19-14 NMSA 1978, is enacted to read:

"29-19-14. [NEW MATERIAL] RECIPROCITY AGREEMENT WITH  
OTHER STATES.--

A. Upon a determination by the department that  
another state's licensing process contains a requirement for a

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1 background check at least as thorough as New Mexico's, the  
2 secretary of public safety may enter into a reciprocity  
3 agreement with the appropriate official of the other state  
4 under which, if a license issued pursuant to the Concealed  
5 Handgun Carry Act is recognized in the other state, a license  
6 issued by the other state shall be recognized in New Mexico.

7 B. After an agreement is entered into pursuant to  
8 Subsection A of this section, a licensee of the other state  
9 shall have the same privileges and obligations as a licensee  
10 pursuant to the Concealed Handgun Carry Act."

11 Section 3. Section 30-7-2 NMSA 1978 (being Laws 1963,  
12 Chapter 303, Section 7-2, as amended) is amended to read:

13 "30-7-2. UNLAWFUL CARRYING OF A DEADLY WEAPON.--

14 A. Unlawful carrying of a deadly weapon consists of  
15 carrying a concealed loaded firearm or any other type of deadly  
16 weapon anywhere, except in the following cases:

17 (1) in the person's residence or on real  
18 property belonging to [~~him~~] the person as owner, lessee, tenant  
19 or licensee;

20 (2) in a private automobile or other private  
21 means of conveyance, for lawful protection of the person's or  
22 another's person or property;

23 (3) by a peace officer in accordance with the  
24 policies of [~~his~~] the peace officer's law enforcement agency  
25 who is certified pursuant to the Law Enforcement Training Act;

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underscoring material = new  
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1 (4) by a peace officer in accordance with the  
2 policies of his law enforcement agency who is employed on a  
3 temporary basis by that agency and who has successfully  
4 completed a course of firearms instruction prescribed by the  
5 New Mexico law enforcement academy or provided by a certified  
6 firearms instructor who is employed on a permanent basis by a  
7 law enforcement agency; ~~[or]~~

8 (5) by a person in possession of a valid  
9 concealed handgun license issued to ~~[him]~~ the person by the  
10 department of public safety pursuant to the provisions of the  
11 Concealed Handgun Carry Act; or

12 (6) by a person in possession of a valid  
13 concealed handgun license issued to the person by another state  
14 with which New Mexico has entered into a reciprocity agreement  
15 pursuant to Section 29-19-14 NMSA 1978.

16 B. Nothing in this section shall be construed to  
17 prevent the carrying of any unloaded firearm.

18 C. Whoever commits unlawful carrying of a deadly  
19 weapon is guilty of a petty misdemeanor."